## IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

KENNETH BEATTY and DONNET JAMES, on behalf of themselves and all others similarly situated,	) ) )
Plaintiffs,	) No. 12-cv-434
v.	) Magistrate Judge Mason
CAPITAL ONE FINANCIAL CORPORATION, et al.	) ) )
Defendants.	)

## FINAL JUDGMENT AND ORDER APPROVING SETTLEMENT AND DISMISSING ACTION

After having fully and carefully reviewed Plaintiffs' Unopposed Motion for Settlement Approval and the Parties' Settlement Agreement (Dkt. Entry #70-1), the Court hereby ENTERS FINAL JUDGMENT and ORDERS that:

- 1. The Settlement Agreement is APPROVED as a fair, equitable, and reasonable resolution of a *bona fide* dispute in this contested litigation, and is incorporated herein by this reference and made a part hereof as though set forth in full.
- 2. The formula for allocation of settlement payments set forth in the Settlement Agreement is APPROVED as a fair, equitable, and reasonable measure for distributing the settlement payment to Class Members;
- 3. All individuals who have filed consents to join this action as party plaintiffs are hereby deemed to fully and unconditionally waive and release any and all Released Claims (as that

term is defined in the Settlement Agreement) against any and all Released Parties (as that term is

defined in the Settlement Agreement), as more fully set forth in the Settlement Agreement.

4. The attorneys' fees representing One-Third (1/3) of the settlement fund, costs, and

the service payments as set forth in the Settlement Agreement, are APPROVED; and Defendants

are hereby ORDERED to make payments in accordance with and subject to the terms of the

Settlement Agreement.

Accordingly, this Court enters JUDGMENT in accordance with this Order and in

accordance with the terms of the Settlement Agreement. This case is DISMISSED WITHOUT

PREJUDICE which shall convert to a dismissal with prejudice one-hundred and twenty (120) days

after the Notice Period expires.

SO ORDERED this 13th day of December, 2012

Michael T. Mason

United States Magistrate Judge